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June 5, 2024

**BY ECF**

Hon. Louis L. Stanton  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Mullen Auto. Inc., et al. v. IMC Fin. Mkts., et al., 23-cv-10637-LLS

Dear Judge Stanton:

This firm was co-counsel for Plaintiffs in the above-referenced action prior to the Court's Order permitting our withdrawal on May 29, 2024 (ECF 42). We are in receipt of the letter sent to the Court on June 5, 2024 by Ryan P. Phair, Esq., attorney for Defendant IMC Financial Markets (ECF 46), and write to correct a misstatement made by Mr. Phair in his letter.

In his letter, Mr. Phair asserts that we "advised IMC that [we] had looked into the allegations [against IMC in the First Amended Complaint] and [were] no longer comfortable that there was sufficient evidence to support them." This statement does not accurately reflect the substance of my conversation with Mr. Phair.

In a telephone conversation with Mr. Phair on May 24, 2024, I advised him that we would be seeking to withdraw as attorneys for Plaintiffs because of fundamental and irreconcilable disagreements with Plaintiffs concerning how to litigate Plaintiffs' case. I did not tell Mr. Phair, in words or in substance, that we had looked into the allegations against IMC and were no longer comfortable that there was sufficient evidence to support the allegations. Indeed, I do not believe my professional and ethical obligations to Plaintiffs would permit me to make such a statement to opposing counsel even if I believed that to be the case.

As such, Mr. Phair's allegation that we withdrew based upon statements that he has wrongfully attributed to me are untrue. Rather, we withdrew for the reasons set forth in the letter we filed with the Court on May 28, 2024 requesting leave to withdraw (*see* ECF 40).

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Respectfully submitted,

*/s/ Alan M. Pollack*

Alan M. Pollack

cc: All Counsel of Record (by ECF)